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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,324	10/31/2003	Yu-Hong Chang		8507

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EXAMINER

KREMER, MATTHEW J

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/697,324

Applicant(s)

CHANG, YU-HONG

Examiner

Matthew J Kremer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,186,145 to Brown (Brown '145) in view of U.S. Patent 6,009,632 to Douglas. Brown '145 teaches a biological test system that includes a biological monitor that includes a blood glucose meter 54 (column 19, lines 45-48 of Brown '145). Brown '145 does not teach the particulars of the blood glucose meter. Douglas teaches a blood glucose meter (Abstract and column 5, lines 18-20 of Douglas) that would fulfill the requirements of providing a blood glucose meter as set forth in Brown '145. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the blood glucose meter of Douglas in the invention of Brown '145 since Brown '145 requires the use of a blood glucose meter and Douglas teaches one such meter. In regard to claim 3, the combination teaches a biological monitor that includes a test receiver 80 (Fig. 1A of Douglas), a test circuit (column 3, lines 57-63 of Douglas), an analog to digital conversion circuit (column 4, lines 39-44 of Douglas), and a microprocessor (column 4, lines 39-45-48 of Douglas). The results are

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transmitted through a communications link 130, which includes a communications port, (column 11, lines 14-18 of Brown '145) to communication media (an Internet server 118 and/or a clinician's computer 112) (column 10, lines 58-61 and column 11, lines 14-18 of Brown '145). In regard to claim 5, the combination teaches a system management center (clinician's computer 122) connected to the communications media (internet server 118) through an internet connection 120. (Fig. 3 of Brown '145). In regard to claim 6, the communications media (internet server 118 and/or clinician's computer 112) have analyzing software. (column 10, lines 55-61 of Brown '145).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,186,145 to Brown (Brown '145) in view of U.S. Patent 6,009,632 to Douglas as applied to claim 3, and further in view of U.S. Patent Application Publication 2003/0114753 to Sharma et al. (Sharma). The combination teaches that communications link 130 can be a combination of telephone line and modems. (column 11, lines 21-22 of Brown '145). Sharma teaches that serial ports are used to connect electronic equipment to modems and telephone lines. (paragraph 0041 of Sharma). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a serial port in the biological monitor as disclosed by Sharma since modems and telephone lines are disclosed and serial ports are used to connect electronic equipment to modems and telephone lines.

4. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,507,288 to Bocker in view of U.S. Patent 6,009,632 to Douglas. Bocker teaches a biological system that includes a strip receiver 17 (Fig. 1 of Bocker), a test circuit 23 (Fig. 2 of Bocker), a microprocessor 25 (Fig. 2 of Bocker), a transmission interface (arrows between microprocessor 25 and communications port 29 in Fig. 2 of Bocker), a communications port 29 (Fig. 2 of Bocker), and a communications media 2 (Fig. 2 of Bocker). Bocker does not explicitly teach the use of an A/D converter but Bocker teaches that electrical signals from the test circuit 23 travel to the microprocessor 25. (column 5, lines 60-66 of Bocker). Douglas teaches that such communication involves the use of A/D converters. (column 4, lines 39-44 of Douglas). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the A/D converter of Douglas in the invention of Bocker since Bocker teaches that electrical signals from the test circuit 23 travel to the microprocessor 25 and Douglas teaches that such communication involves the use of A/D converters.

Response to Arguments

5. Applicant's arguments with respect to claims 3-7 have been considered but are moot in view of the new ground(s) of rejection. The Examiner would like to address the Applicant's arguments as they may relate to the new ground of rejections, particularly the Brown '145/Douglas rejection. In the previous rejection Brown '145 was combined with Brown '539 using the same motivation used in the Brown '145/Douglas rejection

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above. The Applicant contended that Brown '145 does not provide the slightest suggest that it may be combined with Brown '539 in the manner suggested by the Examiner.

Assuming the Applicant seeks to use the same argument with the Brown '145/Douglas argument, the Examiner would like to note that Brown '145 teaches a system that includes a biological monitor that includes a blood glucose meter 54 (column 19, lines 45-48 of Brown '145) but Brown '145 does not teach the particulars of the blood glucose meter. This teaching by Brown '145 provides the motivation for one with ordinary skill in the art to find a suitable glucose meter, such as that provided by Douglas. Thus, Brown '145 provides the proper motivation for combining the Brown '145 and Douglas references.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Kremer whose telephone number is 571-272-4727. The examiner can normally be reached on Mon. through Fri. between 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew Kremer
Assistant Examiner
Art Unit 3736


ERIC Z. WINAKUR
PRIMARY EXAMINER